



Tony Evers

Office of the Governor | State of Wisconsin

VIA U.S. MAIL AND EMAIL

August 14, 2024

Chief Judge James D. Peterson
U.S. District Court
Western District of Wisconsin
120 North Henry Street, Room 320
Madison, WI 53703

Chief Judge Peterson:

I write to you today about the consent decree in *J.J. v. Litscher*, Case No. 17-CV-47, following the tragic death of Lincoln Hills Youth Counselor Corey Proulx. As you are likely aware, Corey passed away as a result of injuries he sustained when he was assaulted by a youth who was incarcerated at Lincoln Hills. Corey's death is a heartbreaking tragedy that has had a tremendous impact on the staff and leadership of Lincoln Hills and Copper Lake Schools and the entire Wisconsin Department of Corrections (DOC). Corey's family lost a partner, father, uncle, brother, and son, and the DOC family—for the first time in its history—lost a fellow employee on the job. Earlier this month, I was able to attend Corey's celebration of life and there is no question that Corey loved working at Lincoln Hills, and he was committed to its mission.

In the weeks since it has been disappointing to see some attempt to undermine the good and important work that has been happening at the facility over the last several years. These efforts have resulted in new conversations and calls to request changes to the consent decree that, as you are well aware, was ordered by the court after state and federal investigations during the Walker-Kleefisch Administration found frequent and excessive use of force on kids, excessive use pepper spray, excessive confinement, failure to intervene in youth-on-youth fights, no investigations into sexual misconduct allegations, sexual abuse of youth, and physical abuse of youth that included broken bones and feet being slammed in doors. The court-ordered consent decree that was agreed upon in 2018 in your court by former Gov. Walker's Administration and the ACLU exists precisely because the conditions at Lincoln Hills and Copper Lake under the Walker-Kleefisch Administration were inhumane and unlawful, as evidenced by the fact that the mistreatment of youth has resulted in costing the state and taxpayers millions in settlements.

Unfortunately, in my view, recent efforts requesting the consent decree to be modified and softened, namely by members of the Wisconsin State Legislature, fail to acknowledge or recognize this history and the pattern of neglectful and unlawful behavior that led the state of Wisconsin to be in this position and under a court-ordered consent decree in the first place. It is my understanding members of the Wisconsin State Legislature intend to ask you and this court to revisit and revise the consent decree that was agreed upon years ago as a result of youth abuse. I write today respectfully requesting that you decline to do so.

I believe it is highly unlikely that the ACLU, after years of advocacy to improve conditions at the schools, will seek or support changes to the consent decree. Further, given the progress consistently outlined throughout the monitor's reports during my administration, it seems also unlikely that you and this Court would be willing to accept any changes. Even still, I write today to underscore that this administration, under my leadership and at my direction, supports the court-ordered consent decree the previous administration agreed to, and we are committed to the ongoing work of ensuring Lincoln Hills and Copper Lake Schools are safe and supportive environments for staff and youth until we can safely and

responsibly close these facilities for youth placement. We will continue to comply with the agreement and our work to reach substantial compliance in all 50 provisions.

We have taken Lincoln Hills and Copper Lake Schools from a facility so grossly mismanaged and dangerous and harmful to youth that it needed intervention from federal law enforcement to a facility that is now getting praise as a national leader in the juvenile corrections space. Just last week, DOC Secretary Jared Hoy received a letter from the Board President of the Council of Juvenile Justice Administrators. That letter reads in part, “CJJA recognizes Wisconsin as an emerging leader in operational reforms within secure correctional facilities and, while this event is difficult and horrific, we cannot lose sight of the positive outcomes that have occurred because of the reforms that have taken place. [...] The work to reduce harmful practices, such as solitary confinement and the use of OC spray, is commendable and aligns with national best practices in juvenile justice and the mission of CJJA.”

Similarly, the consent decree not only increases safety for youth, but it helps keep our staff safe, too. This is reflected in the data. For example, data from an October 2023 survey indicated staff feared for their safety less than the national average. We have seen staff assaults at Lincoln Hills on the decline and the facility's workers' compensation claims continue to show an overall downward trend. This shows a clear correlation to the increase in safety for our staff.

We will continue to comply with the court-ordered consent decree. Further, once we have reached complete and substantial compliance and are released from the consent decree, we will continue the work we have been doing to move away from the cruel and abusive practices that precipitated the consent decree years ago, incorporate evidence-based, data-driven practices to improve treatment and outcomes, and ultimately move toward a juvenile justice model that will help make our kids, our communities, and our state safer. For example, the items included in the consent decree will continue to guide our work at the new, smaller, regional Type 1 facilities, and we will be doing so not just because the court requires us to do so but because these are national best practices driven by data and outcomes, focused on rehabilitation and growing skills for re-entering their home communities, which is where the majority of these kids are headed, and that is what's best for our kids.

Importantly, we also recognize that the incident that led to Corey's death has significantly fractured the great trust that had been established and built up between the staff and youth over the last few years, and it has resulted in staff being concerned for their safety. This is a natural and expected reaction to this traumatic event. In coordination with frontline staff requests, to ensure staff feel safe and are safe following Corey's death, DOC has been able to use restraints, administrative confinement, and referrals to MJTC—all within the parameters of the consent decree—to address youth who pose a threat of harm to themselves or staff. We have consistently demonstrated the ability and continue to balance safety for youth and staff with compliance, and we are committed to continuing to do so.

Additionally, since Corey's death, the DOC secretary has been working up at the facility at least one day a week, and we have made a concerted effort to increase direct communication between line staff and facility leadership as well as the Division of Juvenile Corrections (DJC) staff and the secretary's office. I have also been in touch with DOC leadership, DJC leadership, and have spoken directly with leadership of the facility. I also intend to again return to the schools later this month, as I have done throughout my time as governor. For example, DJC and DOC leadership have heard from staff about staffing levels and training following this incident. DOC has adjusted staffing to help ensure Lincoln Hills and Copper Lake Schools can work to maintain a minimum staffing level of two youth counselors per unit and regularly engaging staff to assess their comfort level working on units, particularly when staffing is lower. When there is not adequate staffing, DOC has increased available overtime hours and adjusted operations as necessary. Starting this week, the Roosevelt housing unit, which houses our skills development youth will be increased to a three-person post.

In the days and weeks ahead, DOC will continue their investigation into Corey's death to confirm all the facts of the events, understand the circumstances, and determine if any policies and procedures were violated. They will be evaluating trainings and seeking front-line feedback and suggestions for relevant subject matter for future training ideas, topics, and scenarios as the facility continues and enhances their ongoing training for staff. DOC will continue their robust recruitment efforts to ensure we maintain adequate staffing levels within our units and prevent any potential staffing shortages. This is critical to sustaining a safe, secure, and supportive environment for both staff and youth in our care.

As you know from the monitor's reporting over the last five years, our administration has made important progress at Lincoln Hills and Copper Lake Schools—progress that, most especially given the state of these facilities when I took office, I am incredibly proud we have accomplished. When we walked in the door of the facility in 2019, we were in

compliance with only one of the consent decree items. Today, we are in partial compliance with all items of the consent decree and substantial compliance with 43 of 50. I am incredibly proud of the staff and leadership of the facility and the work, trust, and dedication it has taken to get to this point. It has not been an easy road—and we continue to face challenges—but I believe this work is critically important and that we have a responsibility to ensure this work continues.

I appreciate your consideration of this matter and my request.

Respectfully yours,

A handwritten signature in black ink that reads "Tony Evers". The signature is fluid and cursive, with the first name "Tony" and last name "Evers" clearly distinguishable.

Tony Evers
Governor